

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**TERESA MCCOY,
Plaintiff,**

v.

**THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,
STATE STREET CORPORATION,
Defendants**

C.A. NO. 05-11283NG

**DEFENDANT'S, THE PRUDENTIAL INSURANCE COMPANY OF AMERICA,
MOTION FOR SUMMARY JUDGMENT/JUDGMENT ON THE RECORD**

Now comes the defendant, The Prudential Insurance Company of America (hereinafter referred to as "Prudential") pursuant to Rule 56(c) of the Federal Rules of Civil Procedure and Local Rule 7.1 and hereby moves this Honorable Court for an Order granting it summary judgment on all claims asserted by the Plaintiff in this action to recover disability benefits under the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 100-1461.

In support of this Motion for Summary Judgment, and as more fully set forth in its memorandum of law filed herewith, Prudential states that in an ERISA action where the arbitrary and capricious standard of review applies, summary judgment is a mechanism in which to tender the issues to the Court. Based on the substantial evidence contained in the administrative record which supported Prudential's final decision, Prudential is entitled to judgment as a matter of law.

WHEREFORE, the Prudential Insurance Company of America requests that this Court grant summary judgment in its favor on all counts of the Plaintiff's Complaint.

Respectfully Submitted,

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA
By Their Attorneys,

/s/ Carey Bertrand
William T. Bogaert, BBO#546321
Carey L. Bertrand, BBO#650496
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
155 Federal Street
Boston, MA 02110
(617) 422-5300

Certificate of Service

I, Carey Bertrand, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the NEF on August 17, 2006.

/s/ Carey Bertrand